IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5193 OF 2004

1. Jaggu Chauti Yadav & anr .. Petitioners

versus

1.Dy.Collector (Enc) & Competent Authority & ors .. Respondents

Mr.R.S.Yadav for Petitioners

None for Respondents

CORAM : D.G.KARNIK, J

DATED : 27th January, 2006

P.C.

1. Heard learned counsel for the parties.

2. By this petition, the petitioner challenges the order dated 23rd April,2003 passed by the Maharashtra Slum Areas (I.C.and R.) Tribunal, Mumbai

3. The only ground urged by the learned counsel for the petitioner is that no notice was served on the petitioners before declaring the property bearing C.T.S.No.2844 of village Dahisar as a slum. The property was declared as a slum on 18th

November, 1977. The petitioners claim to have purchased the property under a deed of conveyance dated 14th September, 1988. Obviously, the petitioners were not the owners of the property when the property was dceclared as a slum. They purchased the property which was already declared as a slum. There was therefore no need of serving of the notice on the petitioners.

4. It was faintly contended that notice was also not served on the previous owners. From para 7 of the impugned judgment, it is clear that the notice was served. Office record showed that notices were served on the previous owners and their thumb impression were obtained. So also the notices were affixed to the property and a panchanama of affixation was also prepared. None of the previous owners have come forward to deny the service.

5. In the circumstances, there is no merit in the petition which is hereby dismissed.

(D.G. KARNIK, J)